

In The United States Court of Federal Claims

No. 02-25L

(Filed: July 21, 2011)

JICARILLA APACHE NATION,
formerly JICARILLA APACHE TRIBE,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

Oral argument on the pooling issue in this case is scheduled for July 22, 2011. At that argument, the parties shall be prepared to discuss the standard the court must employ in deciding whether it may disregard prior precedents of the U.S. Court of Claims and Federal Circuit that have not been overruled by the latter court. *See, e.g., El-Shifa Pharmaceutical Indus. Co. v. United States*, 378 F.3d 1346, 1352 (Fed. Cir. 2004) (panel refused to overrule prior decision of the Court of Claims on the basis that it was inconsistent with subsequent Supreme Court decisions; such an overruling required the circuit to rule en banc); *George E. Warren Corp. v. United States*, 341 F.3d 1348, 1351 (Fed. Cir. 2003).

IT IS SO ORDERED.

s/ Francis M. Allegra

Francis M. Allegra

Judge